

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RICHARD A. EVANS,

Plaintiff,

V.

R. MILAM, *et al.*

### Defendants.

Case No. 1:20-cv-00070-JDP

## ORDER VACATING FINDINGS AND RECOMMENDATIONS

ECF No. 3

**ORDER DIRECTING THE CLERK'S  
OFFICE TO OBTAIN A CERTIFIED  
PRISONER TRUST STATEMENT**

Plaintiff Richard A. Evans is a state prisoner proceeding without counsel in this civil rights action brought under 42 U.S.C. § 1983. On January 14, 2020, plaintiff filed an application to proceed *in forma pauperis* under 28 U.S.C. § 1915. ECF No. 2. On January 27, the court issued findings and recommendations, recommending that plaintiff's application be denied under the three-strikes provision of 28 U.S.C. § 1915(g). Plaintiff has since submitted numerous materials in an effort to satisfy the “imminent danger” exception to § 1915(g). *See* ECF Nos. 6, 7, 8, 9. The submissions provide details on plaintiff's allegations concerning ongoing exposure to toxins and standing water. Because we now find that plaintiff has satisfied the imminent danger exception, the findings and recommendations at ECF No. 3 are hereby vacated. We will decide plaintiff's application to proceed *in forma pauperis* when we have received a trust statement.

The clerk's office is directed to issue a notice to obtain a certified prisoner trust statement.

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2 IT IS SO ORDERED.  
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4 Dated: March 24, 2020  
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8 UNITED STATES MAGISTRATE JUDGE  
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